

Ser. No. 10/072,698
Reply to Office Action of 2 December 2003
Atty Docket 117163-38

REMARKS

Claims

Claims 1-8 and 17-46 were pending in this matter on the date of the Office Action. No claim amendments are made at this time, so no listing of the claims as they presently stand is provided.

35 USC §103 Rejections

The claims in the case are rejected under several combinations of art including a combination of Amundson '346 with Brucker '197, a combination of Stelzer '345 with Brucker 197, a combination of Stelzer '345 with Brucker '197 and with Roth '414 (which incorporates Fantone '155 by reference), and a combination of Stelzer '345, Brucker '197, Roth '414 (which incorporates Fantone '155 by reference) and Adair '819.

Applicants do not repeat the arguments previously presented, but refer to them from the prior response.

Applicant also request that the Examiner take in to consideration the following points:

1. Amundson '346 shows an endoscopic catheter, but it neither shows or suggests an electrode line.
2. Brucker '345 shows a catheter 20 with proximal ports 36 and 38. The catheter 20 bears electrodes on its distal end, but it is not an endoscopic catheter.
3. Brucker '345 teaches a catheter 20 having a lumen, and a device 42 may indeed be introduced into the lumen. However, such a device will be a separate structure from catheter 20.
4. Brucker '345 teaches an ablation catheter having a fluid cooled and perfused tip, through which electromagnetic radiation would be expected to not pass, so an imaging device in the lumen would not be able to observe and record the electromagnetic radiation reflected outside of the distal end of the catheter. This is the applicant's point regarding non-enabling. It is not that that Brucker '345 does not enable a working embodiment; it is that Brucker '345 does not enable an embodiment that works in the manner claimed by the applicant.
5. The Examiner's point about smaller lumen 74 of Figs. 12 and 13 of Brucker '345 providing a lumen through which an endoscope could be passed (by reference to Col. 9, line 66 through Col. 10, line 6) is not consistent with the teaching of Brucker '345. The Col. 9-10 teaching cited makes reference to Fig. 1, not Figs. 12 and 13.

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In view of the foregoing arguments the applicant submits that the claims are in a condition to permit allowance. Therefore the applicant requests early and favorable disposition of this application.

Respectfully submitted,



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